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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013 -919

13 **KENNETH G. SMITH, JR.**  
14 **15511 Marty Avenue**  
15 **Bakersfield, CA 93314**

**A C C U S A T I O N**

16 **Registered Nurse License No. 452102**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about March 31, 1990, the Board of Registered Nursing issued Registered  
24 Nurse License Number 452102 to Kenneth G. Smith, Jr. ("Respondent"). Respondent's registered  
25 nurse license was in full force and effect at all times relevant to the charges brought herein and  
26 will expire on January 31, 2014, unless renewed.

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1 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
2 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
3 included in a stipulated settlement.

4 **CAUSE FOR DISCIPLINE**

5 **(Gross Negligence)**

6 9. At all times herein mentioned, Respondent was employed as a registered nurse in the  
7 Emergency Department at Emanuel Medical Center ("EMC") located in Turlock, California.

8 10. On or about October 8, 2010, Respondent "clocked in" at EMC at approximately  
9 1444 hours. Respondent was scheduled to work the mid-shift from 1500 hours (on October 8,  
10 2010) to 0300 hours on October 9, 2010, and was assigned to take over registered nurse A.F.'s  
11 patients. At approximately 1700 hours, Respondent informed his nursing supervisor that he was  
12 quitting and left the facility, without giving a report to another nurse regarding his assigned  
13 patients.

14 11. Respondent is subject to disciplinary action pursuant to Code section 2761,  
15 subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about October 8, 2010,  
16 Respondent was guilty of gross negligence within the meaning of Regulation 1442, as follows:  
17 Respondent abandoned his assigned patients by leaving the Emergency Department without  
18 giving adequate report to another nurse, and without providing reasonable notice to his nursing  
19 supervisor, or other appropriate staff member, so that arrangements could be made for continuity  
20 of care of his assigned patients, thereby inappropriately severing the nurse-patient relationship.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
23 and that following the hearing, the Board of Registered Nursing issue a decision:

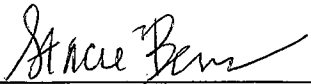
24 1. Revoking or suspending Registered Nurse License Number 452102, issued to  
25 Kenneth G. Smith, Jr.;

26 2. Ordering Kenneth G. Smith, Jr. to pay the Board of Registered Nursing the  
27 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
28 Professions Code section 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: APRIL 17, 2013

  
for LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

LA2012507892